IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

WP(C).No. 15362 of 2007(D)

AGAINST THE ORDER DATED 15/11/2006 IN CRLMP.3828/2006 IN CRA.570/2006 of CC.271/2005 of J.M.F.C., RAMANKARI

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PETITIONER:

REGI C.JOHN,
AGED 40 YEARS, S/O.ISSAC YOHANNAN,
CHIRAYIL HOUSE, VAKATHANAM P.O.,
KOTTAYAM.

BY ADV. SRI.BIJU M.JOHN

RESPONDENTS:

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1. STATE OF KERALA,
REP. BY DIRECTOR GENERAL OF PROSECUTION,
HIGH COURT OF KERALA.

2. A.VIJAYAN,
S/O.ALBIN, CHAITHANYA BHAVAN,
THATTAMPALLY P.O., ALAPPUZHA.

R1 BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

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W.P.C.No. 15362 of 2007 D

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Dated this the 23rd day of May, 2007

JUDGMENT

The petitioner has been found guilty, convicted and sentenced in a prosecution under Section 138 of the N.I. Act. The said judgment was rendered on 28.10.2006. An appeal was filed. The same was admitted. The sentence was suspended, subject to conditions, as per order dt.15.11.2006. Thereafter the case has been made over to one of the additional courts. That court has now chosen to list the appeal for hearing to this date. The petitioner has come rushing to this Court with the grievance that the learned Addl. Sessions Judge , Adhoc-II, Fast Track is showing undue haste in the disposal of the appeal. It is prayed that the learned Addl. Judge may be restrained from disposing of the case with undue haste.

2. I find no merit whatsoever in the prayer. The dishonour of the cheque took place in March, 2005 and the complaint was filed as early as on 8.6.2005. The case could be disposed of by the trial Judge only on 28.10.2006. The appeal was obviously filed and admitted before 15.11.2006. The attempt made by the learned Fast

Track Court to dispose of the case in May, 2007 cannot by any stretch of imagination be held to be unjustified.

3. This Writ Petition is accordingly dismissed. Needless to say, it shall be open to both contestants to make a joint request to the learned Sessions Judge and apprise the learned Judge that the matter has been settled, in which event the learned Sessions Judge must consider the said request and give the parties breathing time to file application for composition.

(R. BASANT)
Judge

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